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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,204	07/29/2003	David J. Luciano	D/A1357	1126

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EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/632,204	<b>Applicant(s)</b> LUCIANO, DAVID J.	
	<b>Examiner</b> Nhan T. Tran	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 1/11/2006 & 7/9/2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Specification***

2. The specification is objected as not containing headers, each for a corresponding section of the disclosure (please note the bold highlight headers below, i.e., Background of the Invention, Brief Summary of the Invention, etc.).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) **BACKGROUND OF THE INVENTION.**
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

**(g) BRIEF SUMMARY OF THE INVENTION.**

**(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).**

**(i) DETAILED DESCRIPTION OF THE INVENTION.**

**(j) CLAIM OR CLAIMS** (commencing on a separate sheet).

**(k) ABSTRACT OF THE DISCLOSURE** (commencing on a separate sheet).

**(l) SEQUENCE LISTING** (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 8-13, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ben et al. (EP 0 901 280).

Regarding claim 1, Ben discloses an apparatus (a digital imaging system; see paragraph [0001]), comprising:

a light sensitive sensor (an inherent image sensor of a digital camera) that generates electrical charges in relation to amounts of light reflected from an external object, said sensor being adapted to record a first image (a reference image; see Figs. 1-3; paragraphs [0006] & [0008]);

an image editor device (an image processor) adapted to receive a processed form of the first image and which creates a guide image (Figs. 3 & 4, paragraphs [0008]-[0009]);

a display (Figs. 3-6) operably connected to the image editing device with which to view a superposition of a second image (a real-time preview image) and the guide image before recording the second image (see paragraphs [0008]-[0013]).

Regarding claim 2, as shown in Fig. 3 of Ben, the edited first image results in an outline image of the object to guide for capturing a second image (see paragraphs [0006] and [0008]-[0012]). Thus, the image editing device inherently includes a filter adapted to produce an outline of the object in the first image.

Regarding claim 4, Ben clearly discloses an analog to digital signal converter (see paragraphs [0001] and [0008]).

Regarding claim 5, it is also seen in the digital imaging apparatus of Ben in paragraphs [0001], [0004]-[0012] and Figs. 1-6 that a frame memory is inherently included in the imaging apparatus for storing the captured first and second images in order for displaying these images as shown.

Regarding claim 8, these method claims are also met by the analysis of the apparatus claim 1, wherein the first and second images are the same perspective as shown in Figs. 2-6.

Regarding claim 9, see the analysis of claim 8.

Regarding claim 10, Ben clearly discloses that the second image is recorded at a later time than the first image (see paragraphs [0008]-[0012]).

Regarding claim 11, this claim is also met by the analysis of claim 2.

Regarding claim 12, as disclosed by Ben, a digital camera is used to capture and record the first and second images as discussed in claim 1. Thus, generating electrical charges (by the image sensor) in relation to the amount of light reflected from the external subject to form a record of the first and said second images (see Figs. 1-6 paragraphs [0008]-[0012]).

Regarding claim 13, Ben also discloses converting the electrical charges into binary digits (by the analog to digital converter) proportional to the brightness of the first and second images (the brightness levels of the first and second images output as signal charge levels from the image sensor in analog format are converted to a corresponding binary digits of digital format representing the same brightness levels from the original signals).

Regarding claim 16, this claim is also met by the analyses of claims 1 & 4.

Regarding claim 17, this claim is also met by the analysis of claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6-7, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben et al. (EP 0 901 280) in view of Ejiri et al. (US 6,466,701).

Regarding claim 3, although Ben teaches a display monitor (Figs. 2-6) for displaying the first and second images, Ben is silent about the display being a LCD display.

However, it is well known in the art that a display monitor can be made of a LCD display as taught by Ejiri in Fig. 1 and col. 3, lines 63-66. The LCD display would be advantageous in that it is compact, light weight and low power-consumption compared to the conventional tube monitor.

Therefore, it would have been obvious to one of ordinary skill in the art to use a LCD display in place of the display of Ben in view of the teaching of Ejiri for its compact, light weight and low power-consumption compared to the conventional tube monitor.

Regarding claim 6, Ben does not explicitly teach a compression device for compressing the image data. Ejiri teaches that a captured image by a camera may be compressed to save storage space in system memory (see Ejiri, col. 5, lines 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the imaging apparatus of Ben to include a compression device for compressing the image data so as to save storage space in the apparatus memory.

Regarding claim 7, see the analysis of claim 6, wherein the compressed image data is stored in the memory.

Regarding claims 14 & 15, these claims are also met by the combined teachings of Ben and Ejiri as discussed in claims 6 & 7.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NHAN T. TRAN  
Patent Examiner